

**DRAFT STATEMENT OF WORK  
AVERY LANDING  
(05/30/08)**

**I. INTRODUCTION**

This Statement of Work (SOW) outlines the approach for work to be completed for the Avery Landing site, a former railroad light maintenance and refueling facility located near Avery, Shoshone County, Idaho. This SOW was prepared in connection with an Administrative Settlement Agreement and Order on Consent (Settlement Agreement) between the U.S. Environmental Protection Agency (EPA), the Potlatch Corporation and the Potlatch Forest Products Corporation (Respondents). All of the work as set forth in this SOW shall be performed by the Respondents, except the work specifically reserved to be performed by EPA. The work to be completed under this SOW shall include preparation and delivery of the following documents:

A. Engineering Evaluation/Cost Analysis (EE/CA) Work Plan (draft and final) and EE/CA Report (draft and final):

1. Sampling and Analysis Plan (SAP) (draft and final);
2. Health and Safety Plan (HASP) (draft and final); and
3. Treatability Study Work Plan (draft and final) and Treatability Study Report (draft and final).

B. Biological Assessment (BA) Work Plan (draft and final) and BA Report (draft and final).

C. Cultural Resources Evaluation Work Plan (draft and final) and Cultural Resources Evaluation Report (draft and final).

**II. ENGINEERING EVALUATION/COST ANALYSIS**

The EE/CA shall be prepared following EPA's 1993 *Guidance on Conducting Non-Time-Critical Actions Under CERCLA* (EPA540-R-93-057), and shall contain the following sections:

A. Site Characterization

The EE/CA should summarize available data on the physical, demographic, and other characteristics of the Site and surrounding areas. These data may be available from previous investigations, or other activities by Respondents, EPA, U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service

(USFWS), and the Idaho Department of Environmental Quality (IDEQ) at the Site. New data ~~must~~ may also need to be collected and analyzed to support removal action alternatives.

*(Disagree with the proposed revision; no change. It is unclear how collection of additional data can be avoided. The site downgradient of the approximate location of groundwater monitoring well HC-1 has not been characterized; additional groundwater samples should be collected from domestic well DW-01 to understand variability; and small volumes of site media likely must be collected to test for the individual parameters of a treatment technology (e.g., define process kinetics, material compatibility, impact of environmental factors, etc. Moreover, the EE/CA should not lead to collection of new data as part of post-EE/CA design; rather, the EE/CA should provide for a smooth transition to post-EE/CA design via identification and analysis of alternatives.)*

### 1. Site description and background

Provide the following types of current and historical information where available and appropriate: site location; type of facility and historical/ and operational history; structures and topography; geology and soil information; surrounding land use and populations; sensitive ecosystems; and meteorology.

### 2. Previous cleanup activities

Describe any previous cleanup activities at the site, including for each the following: scope and objectives; duration; amount of money spent; nature and extent of hazardous substances, pollutants, or contaminants treated or controlled; and technologies and/or treatment levels used.

### 3. Source, nature, and extent of contamination

Describe existing site characterization data, including the location of contaminants; quantity, volume, size, or magnitude of the contamination; physical and chemical attributes of the contaminants; and potential exposure pathways to human health and the environment.

### 4. Analytical Data

Describe any significant analytical findings in narrative discussion.

### 5. Streamlined risk evaluation

The streamlined risk evaluation should focus on the specific problem that the removal action alternative is intended to address. The evaluation uses sampling data from the site to identify the chemicals of concern, provides an estimate of how and to what extent humans and ecological receptors might be exposed to

these chemicals, and provides an assessment of the health effects associated with these chemicals. The risk evaluation may identify only contaminants of concern in the affected media, contaminant concentrations, and the toxicity associated with the chemical to justify taking an action. In some situations, exposure pathways can be identified as an obvious threat to human health or the environment by comparing EE/CA contaminant concentrations to standards that are potential chemical-specific applicable or relevant and appropriate requirements (ARARs) and To-Be-Considered (TBC) materials. When potential ARARs or TBCs do not exist for a specific contaminant, risk-based chemical concentrations should be used. A streamlined risk evaluation projects the potential risk and health problems occurring if no cleanup action is taken at the site.

*(Disagree with the proposed revision; no change. A streamlined risk evaluation projects the potential risk and health problems occurring if no cleanup action is taken at the site (i.e., it should focus on the specific problem that the removal action is intended to address. Moreover, the streamlined risk evaluation should not be biased toward a particular alternative, particularly given that the final removal action alternative will not be known until the Action Memorandum is approved.)*

#### 6. Applicable or Relevant and Appropriate Requirements (ARARs) and To-Be-Considered (TBC) Materials

A detailed analysis of ARARs and TBC materials will be necessary to assure that the removal action alternatives adequately address these requirements.

##### B. Identification of Removal Action Objectives

The general removal action objective is to evaluate alternatives which reduce the potential detrimental affects of the contaminants of concern to human health and the environment.

*(Disagree with the proposed revision; recommend section be revised as follows:*

##### *B. Identification of Removal Action Scope, Goals, and Objectives*

*The goal of this EE/CA is to reduce contamination associated with former railroad activities in affected media in a manner that is protective of human health and the environment and to attain ARARs and other TBC materials to the extent practicable considering the exigencies of the situation. Removal action objectives will be developed that correspond to this goal.)*

#### 1. Statutory Limits on Removal Actions

If applicable, a discussion regarding section 104 (c)(I) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as

amended, describing the statutory limits for Fund-financed removal actions is required.

## 2. Determination of Removal Scope

The scope and objectives of the removal action alternatives must be clearly defined.

## 3. Determination of removal schedule

A general schedule is needed for all phases of the removal ~~activities, from alternatives evaluation including conducting the EE/CA to completing the removal action and projected completion.~~ Factors to be considered that can affect the schedule include time needed for conduct of the treatability study, biological assessment, and cultural resources evaluation, as well as statutory requirements, available financial and technical resources, and weather.

*(Disagree with the proposed revision; no change. Guidance clearly states that a general schedule for removal activities, including both the start and completion time for the non-time-critical removal action should be part of the EE/CA, as opposed to just alternatives evaluation. As noted in the guidance document, the time available before the removal action can be a significant factor in evaluating alternative technologies, since implementing technologies can necessitate considerable lead time. Moreover, completion time should also be estimated for the removal action because it may be necessary to achieve beneficial results within a certain time frame to ensure adequate protection of public health and the environment and to meet statutory requirements.)*

## C. Identification and Analysis of Removal Action Alternatives

Based on the analysis of the nature and extent of contamination and on the cleanup objectives developed for the site, several technology alternatives will be subject to detailed analysis, including but not limited to containment, thermal desorption, *in-situ* and *ex-situ* solidification/stabilization, land application, and off-site disposal. Whenever practicable, the alternatives selection process should consider the CERCLA preference for treatment over conventional containment or land disposal approaches to address the principal threats at the Site. The alternatives are evaluated against the short- and long-term aspects of three broad criteria: effectiveness; implementability; and cost.

*(Note that soil washing, which is proposed to be added to Section III[D], has not been added to this paragraph.)*

### 1. Effectiveness

Each alternative is evaluated against the scope of the removal action and against each specific objective for final disposition of the wastes and the level of cleanup desired, including overall protection of public health and the environment and ability to achieve removal action objectives.

### 2. Implementability

This criterion addresses the technical and administrative feasibility of implementing an alternative and the availability of various services and materials required during its implementation.

### 3. Cost

Each alternative is evaluated to determine its projected costs, including direct and indirect capital costs, post removal site control, and the present worth of alternatives that will last longer than 12 months.

#### D. Treatability Investigation

Bench-scale treatment testing will be performed to adequately evaluate the technology alternatives, including, but not limited to thermal desorption, *in-situ* and *ex-situ* solidification/stabilization, soil washing, containment, groundwater remediation discharges and land application, including evaluating performance, determining process sizing, and estimating cost in sufficient detail to support the removal action selection process.

*(With the exception of groundwater remediation, I have no objection to the proposed revision. As a general rule, groundwater remediation may not constitute an appropriate removal action. See 300.415[e]. Thus, recommend groundwater not be included because treating groundwater is a response to a symptom and such an approach has already been attempted without much success.)*

### 1. Treatability Study Work Plan

The work plan will provide the technical details and procedures for conducting the treatability study (TS) of contaminated soils at the Site. The EPA's 1992 *Guide for Conducting Treatability Studies under Comprehensive Environmental Response, Compensation, and Liability Act* (EPA/540/R-92/071a) will serve as guidance for preparing this work plan and designing TS activities. At a minimum, the work plan format will address the project description and site background, technology alternative descriptions, test objectives, specialized equipment and materials, experimental procedures, treatability test plan, analytical methods,

data management, data analysis and interpretation, health and safety, and residuals management.

## 2. Treatability Study Report

At the completion of the treatability study activities, a TS report will be prepared documenting project activities, results, conclusions, and recommendations. The TS report will be prepared following EPA's 1992 *Guide for Conducting Treatability Studies under Comprehensive Environmental Response, Compensation, and Liability Act* (EPA/540/R-9/071a).

### E. Quality Assurance Project Plan

The Quality Assurance Project Plan (QAPP) details the methods and procedures concerning analytical methods employed during any site-related sampling and data evaluation. The QAPP incorporates the information from two separate but related reports: the field sampling plan (FSP) and the quality assurance project plan (QAPP).

*(Disagree with the proposed revision; no change. As noted in Section II[A] above, it is unclear how collection of additional data can be avoided.)*

Draft and final versions of the QAPP shall be submitted in EPA for review and approval in accordance with the schedule set forth in this SOW.

1. At a minimum, the FSP format will address site background, sampling objectives, sample location and frequency, sample designation, sampling equipment and procedures, and sampling handling and analysis.

2. At a minimum, the QAPP format will address project description, project organization and responsibilities, quality assurance objectives for measurement, sampling procedures, ample custody, calibration procedures, analytical procedures, data reduction, validation, and reporting, internal quality control, performance and systems audits, preventive maintenance, data assessment procedures, corrective actions, and quality assurance report.

### F. Health and Safety Plan

A site health and safety plan (HASP) will be prepared to support the field effort. The specific information required in a HASP is listed in 29 CFR 1910.120.

### G. Comparative Analysis of Removal Action Alternatives

Once the alternatives have been described and individually assessed against the criteria, a comparative analysis must be conducted to evaluate the relative performance of each alternative in relation to each of the criteria. This is in

contrast to the preceding analysis in which each alternative was analyzed independently without consideration of other alternatives. The purpose of the comparative analysis is to identify the advantages and disadvantages of each alternative relative to one another so that key tradeoffs that would affect the response selection can be identified.

#### H. Recommended Removal Action

The EE/CA *should* identify the action that best satisfies the evaluation criteria in the NCP and other statutes and EPA policy and guidance documents based on the comparative analysis in the previous section. This description should briefly describe the evaluation process used to develop the recommended action. EPA will be responsible for determining the final action. This determination will be placed in the administrative record file concurrently with the EE/CA. This section of the EE/CA may enhance public involvement efforts by describing clearly why the alternative was recommended. Because the EE/CA is open to public comment and evaluation and because EPA is required to prepare a written response to significant comments, the recommended alternative may be modified for the final alternative described in the Action Memorandum.

*(Disagree with the proposed revision. The only reference to removal action evaluation criteria is found in §300.415[i] of the NCP re attaining ARARs and perhaps CERCLA section 121[b] re preference for treatment over conventional containment or land disposal approaches to address the principal threat[s] at a site. In addition to ARARs, removal actions are also evaluated against three broad criteria found in guidance [effectiveness, implementability, and cost, and effectiveness includes compliance with ARARs]. Thus, no change. However, if we accept the proposed revision, recommend that the first sentence be revised as shown above in “blue.”)*

#### I. Community Relations

The National Contingency Plan (NCP) and CERCLA outline a variety of community relations requirements to promote communication. *The OSC, in conjunction with the EPA Community Involvement Coordinator [CIC], will determine what level of participation may be assumed by the Respondent.* The following are requirements for this non-time critical removal action:

*(Disagree with the proposed revisions found below at 1, 3, and 5. Recommend that the sentence shown above in “blue” be inserted as a response to all proposed revisions.)*

1. Designate a Community Relations Contact

Respondents shall designate a person to assist with coordinating activities with the EPA's Community Involvement Coordinator. Respondents shall have an active role in all phases of the community relations program

2. Conduct Community Interviews

In accordance with section 300.415(n) of the NCP, EPA, as lead agency, will conduct interviews with local officials, community residents, and other interested parties. The purpose of these interviews is to solicit information about community concerns, information needs, and how or when citizens would like to be involved in the removal action. This information will be used as background for the Community Relations Plan (CRP).

3. Prepare the CRP

Pursuant to section 300 415(n) of the NCP, EPA will prepare a CRP before the EE/CA is completed. The CRP will be site-specific that relates community relations techniques and approaches deemed appropriate and relevant to the Site. EPA shall allow Respondents to comment on a draft CRP before it is finalized

4. Establish an Information Repository

EPA will establish an Information Repository. The Information Repository is a project file or collection of materials related to this specific non-time critical removal action. Respondent will work with EPA to establish the information repository, as requested.

5. Prepare Presentation Materials

Respondent will work with EPA to produce information materials to be used for community outreach, as requested. EPA shall allow Respondents the opportunity to comment on draft information materials prior to EPA distributing such materials.

6. Provide Public Notice of Availability of EE/CA

EPA will publish a public notice describing EPA's preferred alternative and EE/CA results and announcing its availability for review must be published in the major local newspaper.

7. Establish Administrative Record



EPA, as lead agency, will establish an administrative record, publish a notice of availability of the administrative record file, hold a public comment period, and develop a written response to significant comments. The administrative record may include site-specific data and comments, guidance documents, technical references, and documents that reflect views of the public (including Respondents), concerning the selection of the removal action. The EE/CA Approval Memorandum, the EE/CA and the Action Memorandum are critical components of the final administrative record file. Respondents will assist EPA with the following actions:

a. Establish the Administrative Record File

The file must be made available for public inspection and copying when the EE/CA is made available for public comment. It should be located at the Information Repository. Respondent will work with EPA to produce information for the administrative record file, as requested.

b. Publish Notice of Availability of the Administrative Record File

EPA will publish a public notice when the EE/CA is placed in the administrative record file and is available for comment. This notice will also be used to announce a 30-day public comment period on the EE/CA.

c. Hold Public Comment Period

A 30-day minimum comment period is required, but could be extended upon request.

d. Develop Written Response to Significant Comments

EPA will prepare written responses to comments received during the public comment period, and these responses will be included in the administrative record file. Respondents will assist, as requested.

### **III. BIOLOGICAL ASSESSMENT**

A. Respondent shall prepare a Biological Assessment (BA) Work Plan (draft and final) for the Site. The work plan will provide the technical details and procedures for conducting a biological assessment (BA) of the final removal action alternative selected by EPA in the Action Memorandum. of the preferred alternative at the Site.

*(Disagree with the proposed revision. The recommended removal action alternative is subject to public comment and evaluation; thus, the recommended*

*alternative may not always be the final alternative selected in the Action Memorandum. Moreover, a major concern that should be addressed in a BA for listed and proposed animal species is impacts from project construction and implementation that may result in disturbance to the species and/or their avoidance of the project area or critical habitat. Thus, the BA must address the final removal action, as opposed to a recommended removal action. Recommend revision shown in "blue" be inserted.)*

The BA work plan will be prepared following the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) 1998 *Final ESA Consultation Handbook: Procedures for Conducting Section 7 Consultations and Conferences*.

B. At the completion of the biological assessment, a BA Report (draft and final) shall be prepared by Respondent documenting whether the *final removal action alternative selected by EPA in the Action Memorandum* ~~preferred removal actions~~ alternative is likely to adversely affect listed species or designated critical habitat; jeopardize the continued existence of species that are proposed for listing; or adversely modify proposed critical habitat.

*(Disagree with the proposed revision as discussed above. Recommend revision shown in "blue.")*

The BA report will be prepared following the USFWS and NMFS 1998 *Final ESA Consultation Handbook: Procedures for Conducting Section 7 Consultations and Conferences*.

#### **IV. CULTURAL RESOURCES**

A. Respondent shall prepare a Cultural Resources Evaluation Work Plan (draft and final) for the Site. The purpose of the evaluation is to recognize and document building, structures, or places (historic and archaeological sites) of importance to history or prehistory.

The work plan shall follow the Idaho State Historic Preservation Office and Archaeological Survey of Idaho *Guidelines for Documenting Archaeological and Historical Surveys*.

B. At the completion of the archaeological survey, a Survey Report (draft and final) shall be prepared by Respondent.

The Survey Report shall follow the Idaho State Historic Preservation Office and Archaeological Survey of Idaho guidelines for an *Archaeological and Historical Survey Report*.

## V. SCHEDULE

Activities completed under this SOW shall be completed according to the following schedule:

SCHEDULE OF PROJECT DELIVERABLES		
TASK	DELIVERABLES	DUE DATE
Identify Respondent Project Coordinator	Letter	Within <del>515</del> days of the Effective date of the Settlement Agreement
Identify Respondent Consultant	Letter	Within <del>515</del> days of the Effective date of the Settlement Agreement
EE/CA Work Plan	Draft Work Plan	Within <del>4030</del> days of the effective date of the Settlement Agreement
	Final Work Plan	Within <del>4520</del> days after receipt of EPA comments on draft Work Plan
Treatability Study Work Plan	Draft Work Plan	Within <del>530</del> days of EPA EE/CA Work Plan approval notification
	Final Work Plan	Within <del>4520</del> days after receipt of EPA comments on draft Treatability Study Work Plan
Sampling and Analysis Plan (SAP)	Draft SAP	Within <del>520</del> days of EPA EE/CA Work Plan approval notification
	Final SAP	Within <del>4520</del> days after receipt of EPA comments on draft SAP
Health and Safety Plan (HASP)	Draft HASP	Within <del>520</del> days of EPA EE/CA Work Plan approval notification
	Final HASP	Within <del>4520</del> days after receipt of EPA comments on draft HASP
EE/CA Report	Draft EE/CA Report	<del>Within 180 days of As specified in the EPA approved EE/CA Work Plan approval notification</del>  (Disagree with proposed revision. 4 months is a reasonable timeframe for completion.)
	Final EE/CA Report	Within 30 days after receipt of EPA comments on draft EE/CA Report
Biological Assessment (BA) Work Plan	Draft Biological Assessment Work Plan	Within 30 days of EPA EE/CA Work Plan approval notification
	Final Biological Assessment Work Plan	Within <del>4520</del> days after receipt of EPA comments on draft BA Work Plan
Biological Assessment (BA) Report	Draft Biological Assessment Report	Within 60 days of EPA <del>BA Work Plan approval notification</del> <u>selection of a preferred alternative</u>  Within 30 days of EPA selecting final removal action alternative in Action

		Memorandum. (Disagree with proposed revision. Revise as noted in "blue."
	Final Biological Assessment Report	Within <del>45</del> <u>30</u> days after receipt of EPA comments on draft BA Report
Cultural Resources Evaluation Work Plan	Draft Cultural Resources Evaluation Work Plan	Within 30 days of EPA EE/CA Work Plan approval notification
	Final Cultural Resources Evaluation Work Plan	Within <del>45</del> <u>30</u> days after receipt of EPA comments on draft Cultural Resources Evaluation Work Plan
Cultural Resources Survey Report	Draft Cultural Resources Survey Report	Within 60 days of EPA Cultural Resources Evaluation Work Plan approval notification
	Final Cultural resources Survey Report	Within <del>45</del> <u>30</u> days after receipt of EPA comments on draft Cultural Resources Survey Report